

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED LAKE WORTH ROAD CORRIDOR STUDY AREA, PART II SITE SPECIFIC AMENDMENT: 01-77 COM 3-5, MODIFYING PAGE 77 OF THE FLUA BY CHANGING PORTIONS OF THREE PARCELS OF LAND TOTALING APPROXIMATELY .59 ACRES, LOCATED APPROXIMATELY 150 FEET SOUTH OF LAKE WORTH ROAD, BETWEEN MILITARY TRAIL AND COOLEY COURT, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH, WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5); 01-77 COM 6-7, MODIFYING PAGE 77 OF THE FLUA BY CHANGING TWO PARCELS OF LAND TOTALING APPROXIMATELY .66 ACRE, LOCATED APPROXIMATELY 150 FEET SOUTH OF LAKE WORTH ROAD, BETWEEN MILITARY TRAIL AND COOLEY COURT, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH, WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5) WITH CROSS-HATCHING; 01-77 COM 8, MODIFYING PAGE 77 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY .18 ACRE, LOCATED APPROXIMATELY 150 FEET SOUTH OF LAKE WORTH ROAD, BETWEEN MILITARY TRAIL AND COOLEY COURT, FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) WITH CROSS-HATCHING; AND 01-77 COM 9-13, MODIFYING PAGE 77 OF THE FLUA BY CHANGING FIVE PARCELS OF LAND TOTALING APPROXIMATELY 1.34 ACRES, LOCATED APPROXIMATELY 150 FEET SOUTH OF LAKE WORTH ROAD, BETWEEN MILITARY TRAIL AND COOLEY COURT, FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm

1 Beach County Board of County Commissioners pursuant to Chapter 163,
2 Part II, Florida Statutes; and

3 WHEREAS, the Palm Beach County Board of County Commissioners, as
4 the governing body of Palm Beach County, conducted a public hearing
5 pursuant to Chapter 163, Part II, Florida Statutes, on August 14, to
6 review the recommendations of the Local Planning Agency, whereupon the
7 Board of County Commissioners authorized transmittal of proposed
8 amendments to the Department of Community Affairs for review and
9 comment pursuant to Chapter 163, Part II, Florida Statutes; and

10 WHEREAS, Palm Beach County received on November 5, 2001 the
11 Department of Community Affairs "Objections, Recommendations, and
12 Comments Report," dated November 2, 2001 which was the Department's
13 written review of the proposed Comprehensive Plan amendments; and

14 WHEREAS, the written comments submitted by the Department of
15 Community Affairs contained no objections to the amendments contained
16 in this ordinance;

17 WHEREAS, on December 5, 2001 the Palm Beach County Board of
18 County Commissioners held a public hearing to review the written
19 comments submitted by the Department of Community Affairs and to
20 consider adoption of the amendments; and

21 WHEREAS, the Palm Beach County Board of County Commissioners has
22 determined that the amendments comply with all requirements of the
23 Local Government Comprehensive Planning and Land Development
24 Regulations Act.

25 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

27 Part I. Amendments to the Future Land Use Atlas of the Land Use
28 Element of the 1989 Comprehensive Plan

29 The following amendments to the Land Use Element's Future Land
30 Use Atlas are hereby adopted and attached to this Ordinance:

31 A. Future Land Use Atlas page 77 is amended as follows:

32 Application No.: 01-77 COM 3-5

33 Amendment: From Medium Residential, 5 units per acre
34 (MR-5) to Commercial High, with an
35 underlying 5 units per acre (CH/5);
36
37

1 **General Location:** Approximately 150 feet south of Lake Worth
2 Road, between Military Trail and Cooley
3 Court;
4 **Size:** Approximately .59 acres;
5 **B. Future Land Use Atlas page 77 is amended as follows:**
6 **Application No.:** 01-77 COM 6-7
7 **Amendment:** From Medium Residential, 5 units per acre
8 (MR-5) to Commercial High, with an
9 underlying 5 units per acre (CH/5) with
10 cross-hatching;
11 **General Location:** Approximately 150 feet south of Lake Worth
12 Road, between Military Trail and Cooley
13 Court;
14 **Size:** Approximately .66 acres;
15
16 **C. Future Land Use Atlas page 77 is amended as follows:**
17 **Application No.:** 01-77 COM 8
18 **Amendment:** From High Residential, 8 units per acre
19 (HR-8) to Commercial High, with an
20 underlying 8 units per acre (CH/8) with
21 cross-hatching;
22 **General Location:** Approximately 150 feet south of Lake Worth
23 Road, between Military Trail and Cooley
24 Court;
25 **Size:** Approximately .18 acres;
26
27 **D. Future Land Use Atlas page 77 is amended as follows:**
28 **Application No.:** 01-77 COM 9-13
29 **Amendment:** From High Residential, 8 units per acre
30 (HR-8) to Commercial High, with an
31 underlying 8 units per acre (CH/8);
32 **General Location:** Approximately 150 feet south of Lake Worth
33 Road, between Military Trail and Cooley
34 Court;
35 **Size:** Approximately 1.34 acres;
36
37
38

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184, Florida Statutes, whichever occurs
21 earlier. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If the Administration Commission issues a final
24 order of noncompliance, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26

1 a copy of which resolutions shall be sent to the Department of
2 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
3 Boulevard, Tallahassee, Florida 32399-2100.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 5 day of December, 2001.

6
7 ATTEST:
8 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10
11 By *[Signature]* Deputy Clerk

By *[Signature]*
Warren H. Newell, Chairman

12
13
14 COUNTERSIGNED AS TO FORM AND LEGAL SUFFICIENCY

15
16
17 *[Signature]*
COUNTY ATTORNEY

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19 Filed with the Department of State on the 14th day
20 of December, 2001
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EXHIBIT 1

A. Future Land Use Atlas page 77 is amended as follows:

Amendment No.: 01-77 COM 3-5 (Lake Worth Road Corridor Study Area, Part II)

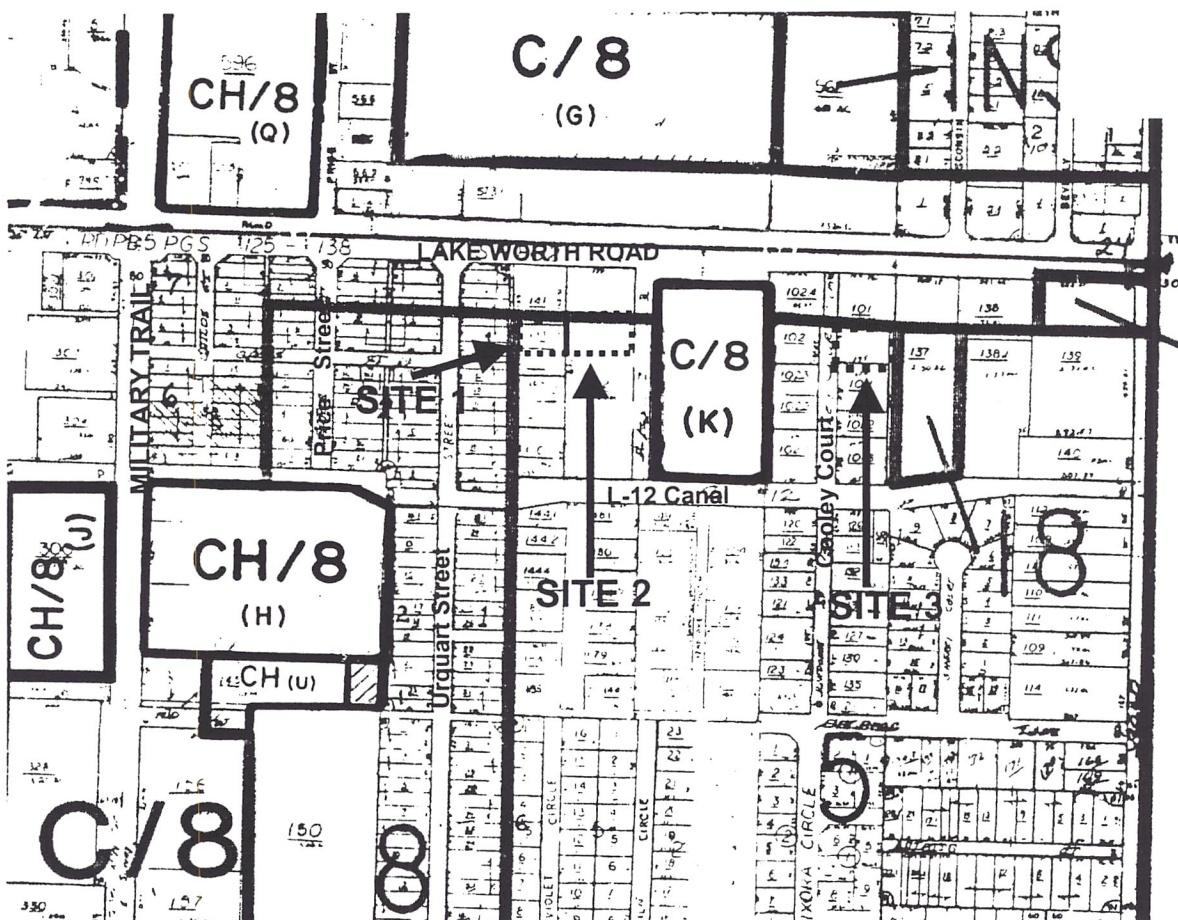
Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial High, with an underlying 5 units per acre (CH/5)

Location: Approximately 150' south of Lake Worth Road between Military Trail and Cooley Court

Size: Approximately .59 acres

Property No.: 00-42-44-25-00-000-1010 (a portion)
00-42-44-25-00-000-1420 (a portion)
00-42-44-25-00-000-1410 (a portion)

Conditions: None



B. Future Land Use Atlas page 77 is amended as follows:

Amendment No.: 01-77 COM 6-7 (Lake Worth Road Corridor Study Area, Part II)

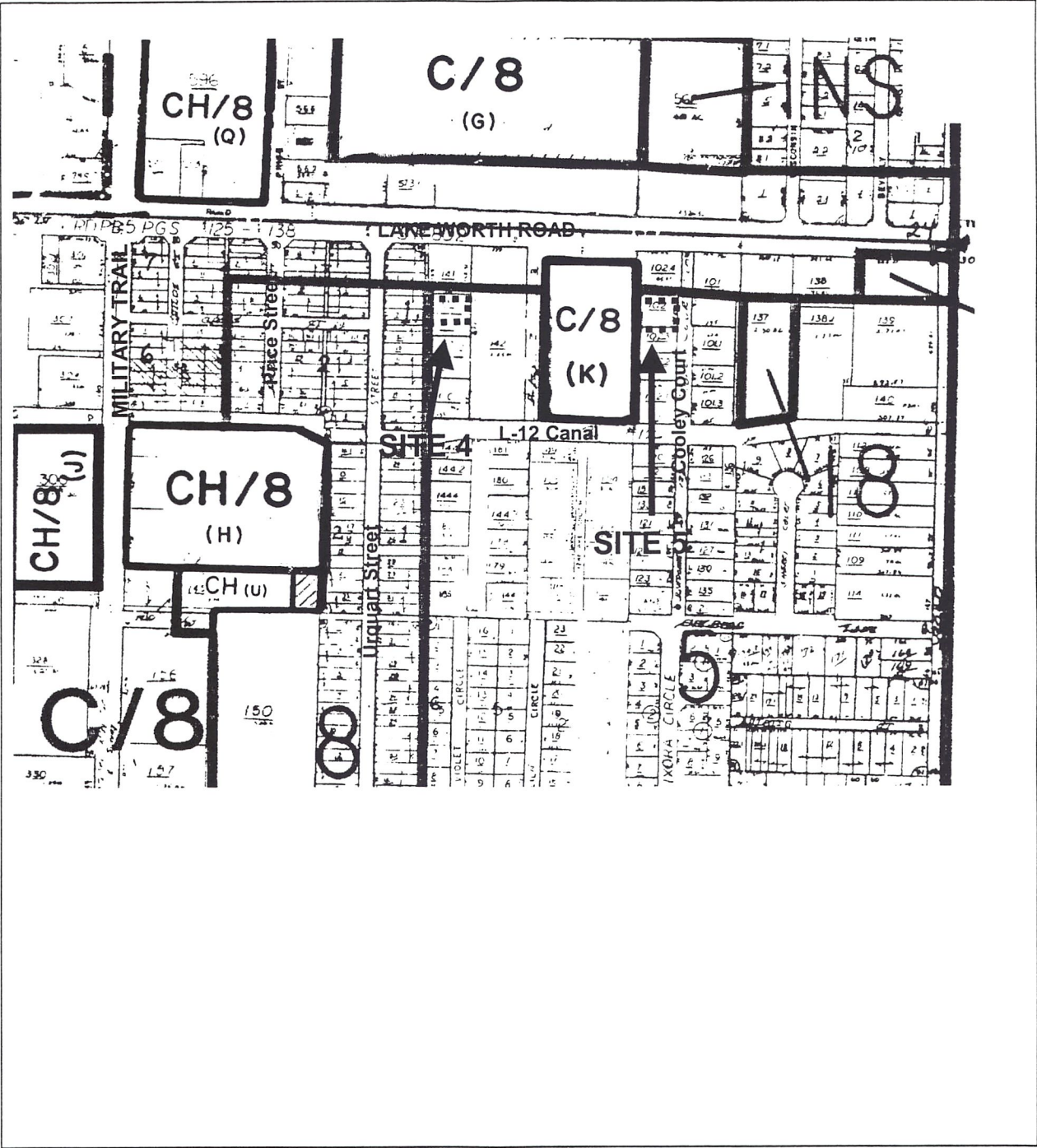
Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial High, with an underlying 5 units per acre (CH/5) with cross-hatching

Location: Approximately 150' south of Lake Worth Road between Military Trail and Cooley Court

Size: Approximately .66 acres

Property No.: 00-42-44-25-00-000-1020
00-42-44-25-00-000-1430

Conditions: None



C. Future Land Use Atlas page 77 is amended as follows:

Amendment No.: 01-77 COM 8 (Lake Worth Road Corridor Study Area, Part II)

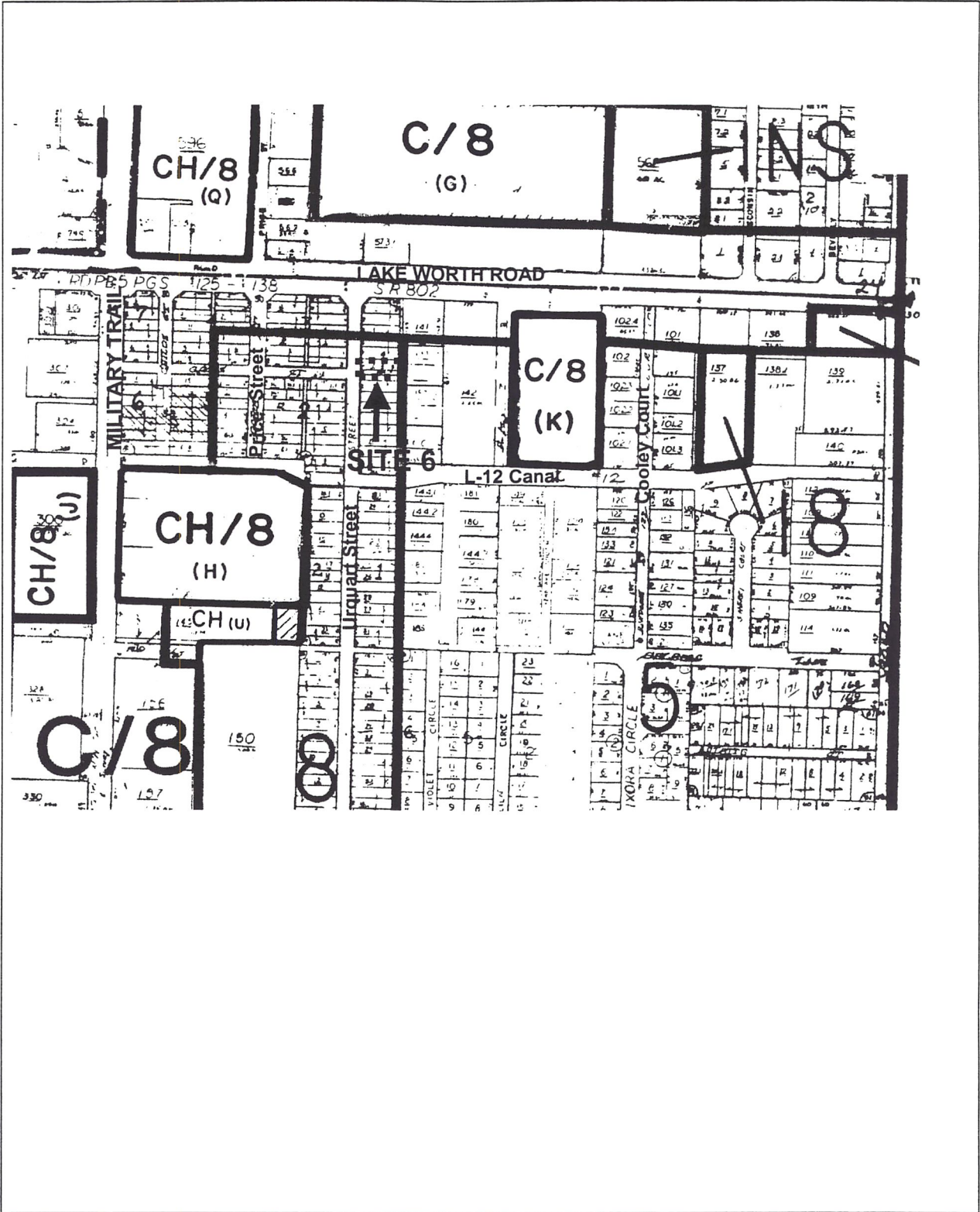
Amendment: From High Residential, 8 units per acre (HR-8) to Commercial High, with an underlying 8 units per acre (CH/8) with cross-hatching

Location: Approximately 150' south of Lake Worth Road between Military Trail and Cooley Court

Size: Approximately .18 acres

Property No.: 00-42-44-25-08-001-0070

Conditions: None



D. Future Land Use Atlas page 77 is amended as follows:

Amendment No.: 01-77 COM 9-13(Lake Worth Road Corridor Study Area, Part II)

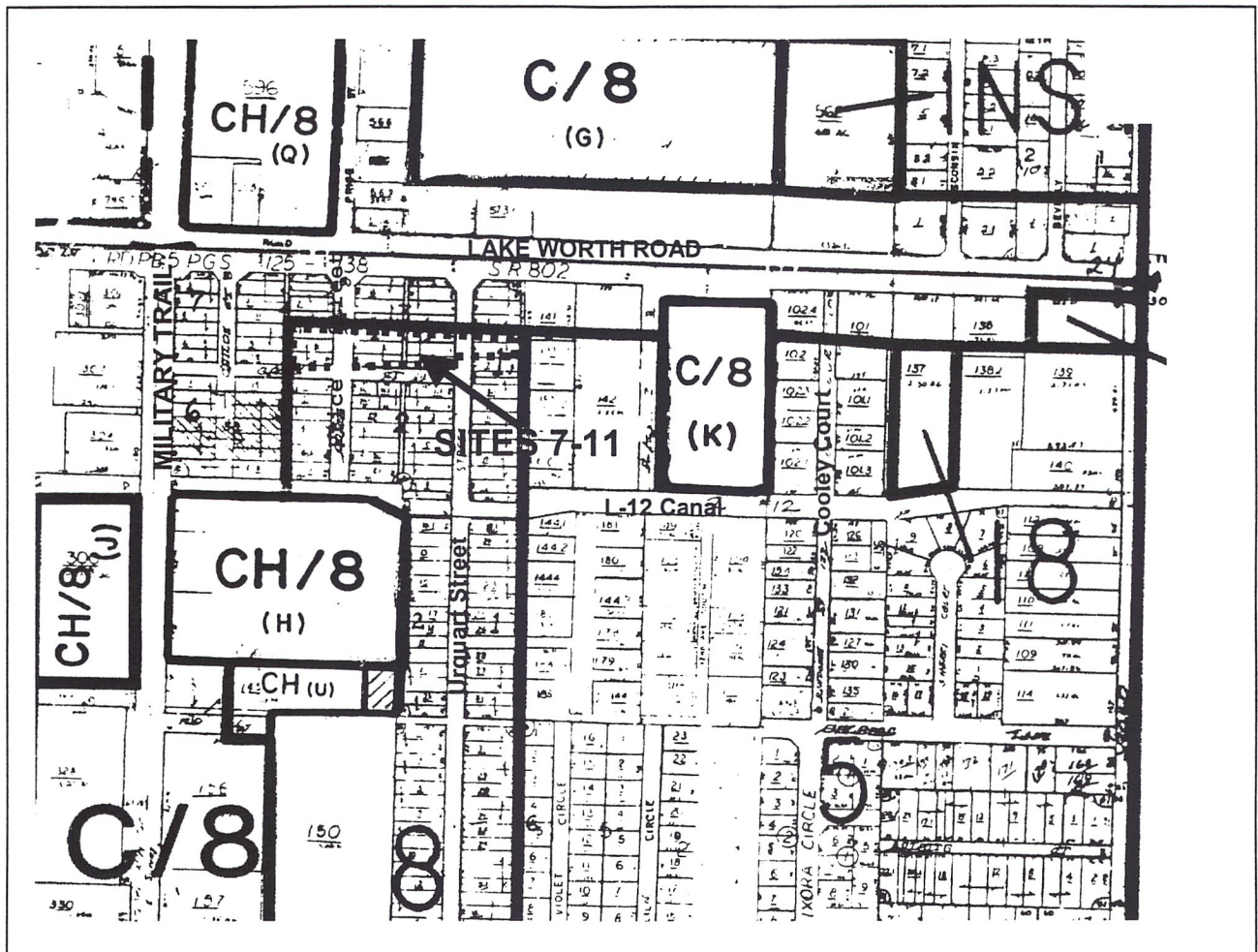
Amendment: From High Residential, 8 units per acre (HR-8) to Commercial High, with an underlying 8 units per acre (CH/8)

Location: Approximately 150' south of Lake Worth Road between Military Trail and Cooley Court

Size: Approximately 1.34 acres

Property No.: 00-42-44-25-08-001-0040 (a portion) 00-42-44-25-08-003-0100
00-42-44-25-08-004-0040 (a portion) 00-42-44-25-08-003-0050
00-42-44-25-08-004-0060

Conditions: None



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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 5, 2001
DATED at West Palm Beach, FL on 12/31/01
DOROTHY H. WILKEN, Clerk
By: Wane Brown D.C.